GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

Tribal Welfare Department – Appeal Petition filed by Smt. Alepuri Bhulakshmi, D/o Subrahmanyam, Guntur District, against the proceedings, Rc.No.1824/2010/C4, dated 20.03.2013 of the District Collector, Guntur, under Section 7 (2) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) - Regulation of Issue of Community Certificates Act, 1993 (AP Act No.16/1993) – Remanded back for fresh enquiry-Orders -Issued.

TRIBAL WELFARE (TW.CV.2) DEPARTMENT

G.O.Ms.No.16 Dated: 08.02.2019
Read the following:

1. Proceedings of the District Collector, Guntur, Rc.No.1824/2010/C4, dated 20.03.2013.
2. The orders of the Hon'ble APHC, in W.P.No.14421/2013, dated 08.05.2013 filed by Smt. Alepuri Bhulakhsmi.
3. Appeal Petition filed by Smt. Aelpuri Bhulakshmi D/o Subrahmanyam Occ: Employee, E-725493, ADC, Guntur-I, Depot, Guntur before M(TW), No.190/M(TW)/2013, dt. 23.05.2013.
4. Govt. Memo No. 6376/CV.2/2013, TW(CV.2) Deptt., dated 15.06.2013.
5. From the District Collector, Guntur, Lr. Rc.No.1824/2010/C4, Dated:16.11.2013.
6. Govt. Memo No. 6376/CV.2/2013, dated 04.08.2015 & 22.10.2018.
7. Representation, together with its enclosures filed by the appellant, before the Appellate Authority on 03.11.2018.

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ORDER:

In the reference 1st read above, the District Collector, Guntur has issued orders cancelling ST-Yerukula caste certificate obtained from the then Mandal Revenue Officer, Gurazala in the year 1996 by Smt. Alepuri Bhulakshmi, D/o Subrahmanyam.

2. In the reference 2nd read above, Smt. Alepuri Bhulakshmi, D/o Subrahmanyam, has filed W.P.No.14421/2013 before the Hon'ble High Court of Andhra Pradesh, Hyderabad, against the proceedings, RC.No.1824/10/C4, dated 20.03.2013 of the District Collector, Guntur. The Hon'ble High Court of A.P., while disposing the said WP on 08.05.2013 has directed the Government to consider and dispose off the appeal and/ or application of stay expeditiously within two weeks from the date of receipt of the order, after giving notice to the petitioner. But, due to several administrative difficulties the matter could not be disposed off within the time limit as directed by the Hon'ble High Court in the said W.P., however, after giving notices from time to time to the Appellant through his Counsel the matter has been examined by the Appellate Authority.

3. In the reference 3rd read above, Smt. Alepuri Bhulakshmi, D/o Subrahmanyam, has filed an Appeal Petition before the Government, against the Proceedings of the District Collector, Guntur. After examining the said Appeal Petition, Government have admitted the Appeal Petition and called for the parawise remarks and connected records from the District Collector, Guntur in the reference 4th read above.

4. In the reference 5th read above, the District Collector, Guntur has furnished the Parawise remarks and the connected records on the Appeal Petition filed by Smt. Alepuri Bhulakshmi, D/o Subrahmanyam.

5. The said Appeal Petition has been posted for hearing on 22.08.2015 & 03.11.2018 and the same has been informed to the Appellant and the Counsel for the Appellant in the reference 6th read above, and they were requested to attend for the hearing along with all Documentary Evidences/ Certificates in support of the community claim, failing which, it will be construed that there is no explanation what-so-ever to furnish in the matter and that the case will be decided based on the material available with the Government. Further, the Appellate Authority has conducted final hearing in the said appeal petition on 03.11.2018 and the appellant/ the Counsel for the appellant were attended for the hearing and filed documents in support of her ST-Yerukula community claim in the reference 7th read above.

6. After hearing both the sides and on perusal of the records/ the copies of evidences/academic record/ grounds filed by the Appellant / the parawise remarks submitted by

[Conte..on P.2]

the District Collector, Guntur and proceedings of the District Collector, Guntur, dated 20.03.2013, the Appellate Authority is observed that :

I. The appellant in her grounds has stated that the order of the District Collector is illegal, arbitrary and contrary to the well established principles of law and the respondent failed to appreciate that in the independent enquiry conducted by the Tahsildar, wherein he has examine persons belonging to Yerukula caste and who have categorically stated that the father of the Appellant was Yerukula by caste and has married a Uppara Women but they lived as per Yerukula caste customs only. Further, she has stated that the respondent without appreciating the fact that the Appellant was born and brought up as per Yerukula caste customs an rituals has come to an erroneous conclusion that the appellants parents were not accepted by the Yerukula caste people without there being basis for the same and on the other hand is contrary to the statements made by the Yerukula caste people who were examined during the enquiry conducted by the Tahsildar.

II. Further, she has also stated that the respondent ought to have held that the opinion of the District Level Scrutiny Committee that the appellant does not belong to Yerukula community on the sole ground that the appellant and her sisters were married to Uppara community on the sole ground that the Appellant and her sisters were married to Uppara caste people. In fact the respondent ought to have appreciated the statements made by Yerukula Community people that the Appellant and her parents were following Yerukula traditions.

III. The District Level Scrutiny Committee has observed that the father of the Appellant belongs to Yerukula caste, is not supported by any valid cogent evidence. Moreover the Yerukula caste of her father comes under Backward class category in TAMILNADU state, his native state and on migration to AP state his caste status cannot be accepted as belonging YERUKULA in AP State as per the Circular instructions as per Lr.No.35/1/72-RU(SCT-5) April, 1975 and BC 12025/2/76-SCT-1, dt 22.7.1977 issued by the Government of India. Further the claim of the individual that her father got relations with local Yerukula caste people is not proved. The fact is that the mother of the individual belongs to Uppara caste and all her daughters including the appellant were given in marriage to Uppara caste people only. Therefore, the family is having marital relations as well as general relations with Uppara caste people only. Based on the DLSC findings, the Dist. Collector has cancelled the appellants ST-Yerukula Caste Certificate.

IV. Under section 6 of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (AP Act No.16/1993) the burden of proof lies on the Appellant only.

V. It is submitted that as per the circular Memo No.10956/CV.1/97-2, dt.16.02.1998 among other things instructions were issued for the migrated persons from the other States to the AP is as follows:

> “in case of migration where a person migrated from the portion of the State of AP in respect which his Community is Scheduled to another part of the AP in respect of which his community is not Scheduled, he will continue to be deemed to be a member of the SC or ST, as the case may be, in the State of AP. But where a person migrates from another States to the State of AP, he can claim that he belong to a SC or a ST only a relation to the State to which he originally belonged and not in respect of the State of AP to which he has migrated, if that Caste/ Tribes is not included in the Constitution (SC & ST) Order 1950 as amended in 1976 for the State of AP.”

VI. The Appellate Authority is observed that during the course of arguments that the appellant submitted her arguments have stated that his father belongs to ST Yerukula community as such she is also same community and also stated that her father even though married non tribe that she was born and brought up as Yerukula caste customs and they were accepted by the tribal community and her caste was recorded school and college as Yerukula as such on that scores she is able to prove her caste is ST Yerukula. On verification of the arguments and the documents and the grounds of appeal and Para wise remarks as well as the other documents and material available on the record it is noticed that it is just and necessary to give an opportunity to the appellant to produce documents and explanation to prove the claim of her social status in the present circumstances of the case with regard to her father's caste claim and her brought up and acceptance of her by the tribal society.

[Conte..on P.3]

7. In the light of the above, the Government, in exercise of the powers conferred under Section 8(1) of the Andhra Pradesh (Scheduled Castes, Scheduled Tribes and Backward Classes) Regulation of Issue of Community Certificates Act 1993 (Act No16 of 1993), hereby decide that the appeal petition filed by Smt. Alepuri Bhulakshmi, D/o Subrahmanyam, is partly allowed by setting aside the proceedings, Rc.No.1824/2010/C4, dated 20.03.2013 of the District Collector, Guntur and decided that the matter is remanded back to District Collector, Guntur for fresh enquiry, with a direction to dispose of the same within three months as per law by giving opportunity to the appellant on receipt of the order by uninfluenced of the observation made herein.

8. The District Collector, Guntur is directed to take necessary consequential action in the matter.

9. The records (containing Rc.No.1824/2010/C4, CF: 1-171 pages) received from the District Collector, Guntur through the reference 5th read above, are returned herewith in original to the District Collector, Guntur and he is requested to acknowledge the receipt of the same, immediately.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

R. P. SISODIA
PRINCIPAL SECRETARY TO GOVERNMENT

To
The District Collector, Guntur .
(with original records) (BY RPAD)

Smt. Aelpuri Bhulakshmi D/o Subrahmanyam
Occ: Employee, E-725493, ADC, Guntur-I, Depot, Guntur.

Sri Nagi Reddy, Advocate,
H.No. 5-5-1005/1, Hindinagar, Goshamahal,
Hyderabad-500012.

Copy to:
The Director, TCR& TI, AP, Amaravati.
The PS to M(TWE&HFW).
The PS to Principal Secretary(TW).

// FORWARDED:: BY ORDER //

SECTION OFFICER